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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/188,863	11/09/1998	FORREST NABORS	4606P001	4817

7590 07/29/2005

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EXAMINER

LE, KHANH H

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/188,863

**Applicant(s)**

NABORS ET AL.

**Examiner**

Khanh H. Le

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 72-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 72-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This Office Action is responsive to the Correspondence received 5/18/2005. Claims 72-76 are pending.

### *Response to Arguments*

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 72-73, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sammon et al, US 6012051 A in view of Luke, US 6131087, hereinafter Luke.**

As to claim 72, Sammon discloses

A wide area system which processes information to identify product choices within a product domain for a user, presents structured data concerning attributes of products in the product domain to the user in a readily understandable and

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efficient manner, allowing the user to make the best choice according to his or her own personal profile. A user interface presents a sequence of input prompts to the user to gather preference and requirement data for a plurality of attributes of products in the product domain. A decision engine is coupled to the user interface and filters the product domain to present a set of products according to the gathered preference and requirement data as product choices to the user. The preference data comprises a variable associated with particular attributes specified by the user to have a degree of relevance to a product choice in the product domain but not an absolute requirement. The requirement data comprises a variable associated with a particular attribute specified by the user to be required or not required for a product choice in the product domain. (see at least abstract, col. 3-4 lines 17, Figs. 9-13 and associated text).

Sammon discloses that for each product attribute, the customer indicates a discrete level of willingness to negotiate a modification of the particular attribute by indicating from “must have” (i.e. low level of willingness to negotiate) to “don’t care” (i.e. high level of willingness to negotiate) (Figs. 9-13 and associated text). Implicitly those levels of willingness to negotiate are ranked from among multiple hierarchical tiers of ranks from lowest level to negotiate to highest level to negotiate. (negotiations are implied as the Sammon system is used to purchase big-ticket items, (see at least col. 1 lines 35-47 ). SAMMON also discloses determining purchase qualifications of the customer (see at least Figs. 6 and associated text).

Thus SAMMON discloses all limitations of claim 72 except as discussed below.

Sammon does not specifically disclose an intermediary subsystem but discloses its system is applicable to big ticket purchases thus an intermediary subsystem as used in a car dealership would be obvious to be incorporated in Sammon because use of a dealership as an intermediary is a common business practice .

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Sammon does not specifically disclose requests for quotes (RFQ's), and selecting a seller though SAMMON discloses ranking of several matching products.

However Luke disclose:

negotiations ( offers, acceptance, counteroffers or rejection : Fig 3 and associated text), matching offer and solicitation data (which can be under formats of RFQ's, col 5 l. 60-65, col 7 l. 25-40; col 6 l. 56-60).

generating/displaying a list of perfect or near-perfect matches (Fig 2A and associated text) in all dimensions and display of results to the user to help identify potential exchange partner(s)( Fig 2 and associated text ),

notification to supervising agent (intermediary), confirmation and binding contract formation of (Fig 4).

Luke further discloses fully automated evaluation of identified potential sellers/proposals, once a list is identified by matching , based on further buyers' selected parameters (Fig 3 and associated text, col 9 l. 49-col 10 line 14, especially col 10 l 1-4).

Thus one skilled in the arts would have known to supplement Sammon's on-line shopping by initial search/matching with Luke's automatically prepared RFQ for price presentation to the customer because pricing is paramount in complex products shopping situations. Further, it would have been obvious to add Luke's automatic selection of vendors based on product characteristics to the Sammon's matching products to allow presentation of sellers who have the relevant products to the customer as taught by Luke.

As to the RFQ's being uniquely identified, Official Notice is taken that such practice is well-known for identification purposes and thus obvious to be added to SAMMON for that advantage.

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As to claim 73, SAMMON discloses qualification of the customer (see at least Figs. 6 and associated text). Further Official Notice is taken that it is old and well-known to determine a maximum purchasing capacity for the user in substantial purchases such as cars or real estate to assure the transaction is feasible and thus it would have been obvious to one skilled in the art at the time the invention was made to add such feature to Sammon/Luke for the above advantage.

As to claim 76, Sammon discloses ranking of matching products (see at least Figs. 15 and associated text) i.e. SAMMON also implicitly discloses showing a matching product with an attribute that does not quite match but who has an attribute for which the user indicated a high level of willingness to negotiate.

It would have been obvious to one skilled in the art at the time the invention was made, if the system does not have the best matched product to present one for which to the user indicated a high level of willingness to negotiate in order to potentially close a sale. Thus, as Luke discloses quotes, it would further have been obvious to one skilled in the art at the time the invention was made to give a quote covering that situation with the appropriate attribute modification description to inform the consumer what the quote is about and to assist in her decision process.

**5. Claims 74 –75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sammon in view of Luke as applied to claim 72, and further in view of Lupien et al., US 5689652.**

As to claim 74, SAMMON discloses numeric values could be assigned to each attribute as appropriate (see at least col. 2 lines 33-47). Further Lupien discloses using numeric values to indicate user satisfaction with each attribute such as between 0 to 1 when products involving many attributes are evaluated (see at least Fig. 2 and associated text). Thus it would have been obvious to one skilled in the art at the time the invention was made to add the numeric method of Lupien to S, to more quantify the parameters. Further, it would have been obvious to one

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skilled in the art at the time the invention was made to use the numbers from 1-5, instead of 0-1 as used in Lupien because any such number ranges can be used as desired to indicate low to high priority for acceptance or the relative likes or dislikes of the consumer (Sammon, col. 4 lines 1-13. )

As to claim 75, Sammon discloses matching the products that match the best (i.e. the ones that have a high percentage of attributes which are indicated as having higher priority by the customer) and ranking them for presentation (see at least Figs.15 and associated text). Further as stated above Luke discloses presenting the seller that has the desired product. Thus Sammon/Luke discloses claim 75 for the same motivation stated above.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stiegler US 5774121 A discloses User interface method and system for graphical decision making with categorization across multiple criteria using weights, ranking of attributes.

Rickard et al., US 6112189 A, discloses a system which anonymously calculates the mutual satisfaction between negotiating parties and maximizes their mutual satisfaction over a range of decision variables., a computer accepts a satisfaction function from an offering party who defines his degree of satisfaction to agree to a range of terms upon which the party is desirous of negotiating as a function of the relevant decision variables. The computer then accepts input from all other parties regarding their degree of satisfaction to agree to each of the terms as a function of a particular relevant decision variable. The computer then calculates a satisfaction

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function for each of these terms based on all of the individual inputs. Next, the computer calculates a joint satisfaction function for all of the terms as a function of the particular relevant decision variable, and then calculates the mutual satisfaction function for the offering party and the other parties, also as a function of the particular relevant decision variable. Finally, the computer calculates the set of decision variable yielding the maximum mutual satisfaction and provides this output to the parties.

Silverman et al, US 5924082 A discloses negotiated matching system

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general



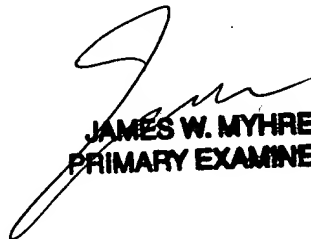
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nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 18, 2005

  
KHL

  
**JAMES W. MYHRE**  
**PRIMARY EXAMINER**